



FISCAL MEMORANDUM

HB 2118 - SB 2288

April 20, 2022

SUMMARY OF BILL AS AMENDED (017814): Authorizes a judge to issue a criminal summons, as opposed to an arrest warrant, for a technical violation of probation or a suspended sentence. Authorizes a court to revoke a defendant's probation and suspension of sentence, in part or in full, for a misdemeanor offense based upon one instance of a technical violation or violations. Authorizes the court to sentence the defendant to a sentence of probation for the remainder of the unexpired term. Establishes a technical violation does not include contacting the defendant's victim in violation of a condition of probation.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – The proposed legislation may lead to an increase in local government expenditures; however, the extent and timing of any such increases cannot be quantified with reasonable certainty.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-6-215(b), a criminal summons is required to be in substantially the same form as an arrest warrant except that it summons the defendant to appear before the magistrate or court at a stated time and place.
- Pursuant to Tenn. Code Ann. § 40-35-311(d)(2), the trial judge is prohibited from revoking a defendant's probation based upon one instance of technical violation or violations.
- Passage of the proposed legislation authorizes a trial judge to revoke a defendant's probation based upon one instance of technical violation or violations for a misdemeanor offense.
- The proposed legislation may lead to an increase in local government expenditures resulting from an increase in admissions to local incarceration due to one technical violation of probation for a misdemeanor offense.
- The extent and timing of any such increases are dependent on multiple unknown factors and cannot be determined with reasonable certainty.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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